

ENTERED

September 07, 2016

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOSE MIGUEL TREVINO,

Defendant-Petitioner,

VS.

UNITED STATES OF AMERICA,

Plaintiff-Respondent.

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CRIMINAL ACTION NO. H-11-0083-1

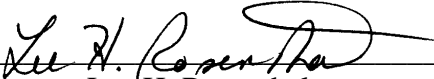
ORDER

On February 25, 2016, the defendant and petitioner, Jose Miguel Trevino, filed a notice of appeal. (Docket Entry No. 139). The United States Court of Appeals for the Fifth Circuit found that Trevino's notice was filed after the deadline. (Docket Entry No. 141). The appeals court treated the late notice of appeal as a motion for an additional 30 days to file the notice under Rule 4(b)(4) of the Federal Rules of Appellate Procedure. The court remanded the case to this court so it could determine whether Trevino is entitled to this extension.

On July 20, 2016, the court ordered Mr. Trevino to file a statement, under penalty of perjury, explaining why his notice of appeal was filed after the deadline. (Docket Entry No. 146). The deadline for filing the statement was August 22, 2016. Mr. Trevino has not complied. He has not explained why his notice of appeal was filed late. Nor has he shown that his late filing was due to excusable neglect or good cause.

Absent explanation or compliance, the court finds that Mr. Trevino is not entitled to an additional 30 days to file a notice of appeal under Rule 4(b)(4) of the Federal Rules of Appellate Procedure.

SIGNED on September 7, 2016, at Houston, Texas.



Lee H. Rosenthal
United States District Judge